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§2–703.

(a) On a finding of an overpayment to a provider, the Inspector General may not use extrapolation unless there is a determination of a sustained or high level of payment error, as defined by regulation.

(b) When using extrapolation to determine an overpayment, the sample to be used may not include claims:

(1) In which the alleged overpayment would have no fiscal impact on the entire sample;

(2) That were submitted in accordance with the Department's, Inspector General's, or program's directives, policies, guidelines, or regulations; or

(3) That are the result of an unintentional overlap in services among unrelated providers caused by circumstances beyond the control of the provider that is subject to the audit, in which case the Inspector General may recover the original overpayment.

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